

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ARNOLD BRYANT,

Petitioner,

v.

**9:17-CV-1199
(TJM/DJS)**

**SUPERINTENDENT, EASTERN CORRECTIONAL
FACILITY,**

Respondent.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

Petitioner filed this *habeas corpus* petition pursuant to 28 U.S.C. § 2254, alleging that his conviction in New York State court on drug charges violated his rights under the United States Constitution and should be vacated. The Court referred the Complaint to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated October 27, 2020, recommends that the Court dismiss and deny the petition. See dkt. # 27. Magistrate Judge Stewart finds that Petitioner's claims related to his grand jury proceedings are not cognizable in a *habeas corpus* petition, that Petitioner has not demonstrated that his counsel operated under any conflict-of-interest that rendered him ineffective, and that the record establishes that Petitioner was not coerced into pleading guilty. Magistrate Judge Stewart also

recommends that the Court decline to issue a certificate of appealability, as no reasonable jurist could disagree with the conclusion in his Report-Recommendation that Petitioner has not made a substantial showing of a denial of his constitutional rights.

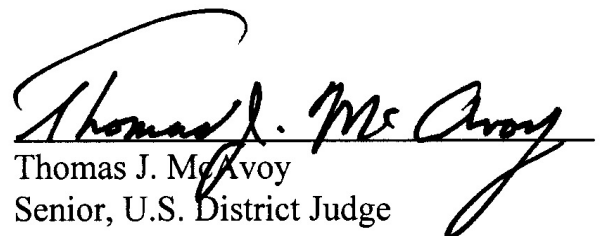
Petitioner filed objections to the Report-Recommendation. See dkt. # 30. When a party objects to a magistrate judge's Report-Recommendation, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record *de novo* and having considered the other issues raised in the Petitioner's objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Stewart for the reasons stated in the Report-Recommendation.

It is therefore **ORDERED** that Petitioner's objections to the Report-Recommendation of Magistrate Judge Stewart, dkt. # 30, are hereby OVERRULED. The Report-Recommendation, dkt. # 27, is hereby ACCEPTED and ADOPTED. The petition for a writ of habeas corpus is hereby DENIED and DISMISSED. The Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Dated: February 3, 2021


Thomas J. McAvoy
Senior, U.S. District Judge

